IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1099 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SURESH JAGANNATH MEHTA

Versus

STATE OF GUJARAT

Appearance:

1. Special Criminal Application No. 1099 of 2003

MR GM JOSHI for Petitioner No. 1

MR HITESH N ACHARYA for Petitioner No. 1

MS MITA PANCHAL, LD.APP for Respondent No. 1

..... for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE A.M.KAPADIA

Date of decision: 21/07/2004

ORAL JUDGEMENT

1. Mr.G.M.Joshi, learned advocate for the petitioner, upon instructions received from the petitioner, seeks permission to withdraw this petition with a view to file criminal complaint before the concerned learned Judicial Magistrate, in whose territorial jurisdiction alleged offences which has been narrated in this petition as well as in written complaint dated 5.11.2003 send by the petitioner to the PSI, Damnagar Police Station, Dist.Amreli, has been committed.

2. Ms.Mita Panchal, learned APP appearing on behalf of respondent-State has no objection if leave to withdraw this petition is granted. Hence, leave to withdraw this petition as prayed for is granted. The petition stands disposed of as it is withdrawn.

3. It would be open to the petitioner to file criminal complaint before the concerned learned Judicial Magistrate, in whose territorial jurisdiction alleged offences which has been narrated in this petition as well as in written complaint dated 5.11.2003 send by the petitioner to the PSI, Damnagar Police Station, Dist.Amreli has been committed. If such a compliant is filed, the concerned learned Judicial Magistrate shall decide the same in accordance with law, uninfluenced by the fact that the petitioner has filed this petition for the same relief before this Court and which has been disposed of as it is withdrawn. Rule is discharged.

(A.M. Kapadia, J.)

syed/